

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PIERRE YVES CHICOINEAU

Plaintiff,

- against -

BONNIER CORPORATION

Defendant.

1:18-cv-03264 (JSR)

**DECLARATION OF PIERRE
YVES CHICOINEAU IN
SUPPORT OF PLAINTIFF'S
MOTION FOR PARTIAL
SUMMARY JUDGMENT**

PIERRE YVES CHICOINEAU, under the penalty of perjury, declares:

1. I am the plaintiff in this action.
2. I am over the age of 18 years old and competent to submit this declaration in support of my motion for partial summary judgment against the defendant, Bonnier Corporation (“Defendant”) on liability for copyright infringement.
3. I am a professional photographer who has been in the business of licensing my work for over 15 years.

My Photograph of the Eiffel Tower— November 27, 2002

4. On or about November 27, 2002, I photographed the Eiffel Tower illuminated at night in Paris, France (the “Photograph”). In composing my rendition of the Eiffel Tower, I selected the angle of shot, light and shade, exposure, and effects achieved by means of filters. Attached as Exhibit A is a true and correct copy of the Photograph along with screenshots.
5. I then licensed the Photograph to a third-party stock photography called “Big Stock Photo” which maintains a website at www.bigstockphoto.com.

Registration of the Photograph – February 4, 2003

6. I am in possession of a registration certificate for the Photograph, bearing number V Au000577335, with effective date February 4, 2003 (the “335 Registration”). Attached as Exhibit C is a true and correct copy of the 335 Registration as it is maintained on the website of the U.S. Copyright Office.

7. I personally deposited the Photograph with the U.S. Copyright Office as part of my application for the 335 Registration.

Defendant’s Unauthorized Publication of the Photograph – August 12, 2010

8. On or about August 12, 2010, Defendant published an article on its website, www.destinationweddingmag.com, entitled “*Top 5 Romantic Spots to Steal a Kiss in Paris*” at the URL <https://www.destinationweddingmag.com/blogs/top-5-romantic-spots-steal-kiss-paris#page-6> (the “Bonnier Article”) in which it prominently displayed the Photograph. Attached as Exhibit B is a true and correct screenshot of the Bonnier Article as it appeared before this lawsuit was filed.

9. Commercial advertisements are visible on the face of the Bonnier Article where the Photograph is prominently displayed.

10. On the face of the Bonnier Article, I was not credited as the author of the Photograph.

11. Defendant did not seek my permission to publish the Photograph.

12. I never granted Defendant authorization to copy the Photograph or distribute copies of my registered work to the public.

13. There was no communication between myself and Defendant before the infringement was discovered and I never made any representations to Defendant after the infringement was discovered.

14. Defendant's unauthorized use of the Photograph occurred subsequent to the effective date of the 335 Registration.

Plaintiff's Discovery of the Infringement – February 8, 2018

15. On or about February 1, 2018, I retained Liebowitz Law Firm, PLLC (the "Firm") to enforce my rights against copyright infringers.

16. On or about February 8, 2018, the Firm discovered the Photograph displayed in the Bonnier Article and promptly informed me of the infringement the following day.

17. Before retaining the Firm in February 2018, I had no reason to know that Bonnier had published my Photograph without my authorization.

Dated: Seminole, Florida

Executed this ____ Day of August, 2018

PIERRE YVES CHICOINEAU

14. Defendant's unauthorized use of the Photograph occurred subsequent to the effective date of the 335 Registration.

Plaintiff's Discovery of the Infringement – February 8, 2018

15. On or about February 1, 2018, I retained Liebowitz Law Firm, PLLC (the "Firm") to enforce my rights against copyright infringers.

16. On or about February 8, 2018, the Firm discovered the Photograph displayed in the Bonnier Article and promptly informed me of the infringement the following day.

17. Before retaining the Firm in February 2018, I had no reason to know that Bonnier had published my Photograph without my authorization.

Dated: Seminole, Florida

Executed this 27 Day of August, 2018

A handwritten signature in black ink, appearing to read 'PY Chicoineau', with a long horizontal line extending to the right.

PIERRE YVES CHICOINEAU